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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 560th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 21 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Venezuela

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44274 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Venezuela (CRC/C/3/Add.54 and supplementary report CRC/C/3/Add.59; HRI/CORE/1/Add.3; CRC/C/Q/VEN/1; CRC/C/A/VEN/1)

1. At the invitation of the Chairperson, the Venezuelan delegation, consisting of Mr. Rodriguez Cedeño, Mr. Michelena, Mrs. Parra, Mr. Salas, Mrs. Mendoza Omaña de Castillo and Mrs. Ruesta, took places at the Committee table.

2. The CHAIRPERSON informed the Committee that unfortunately the Venezuelan delegation, which was to have attended the Committee meeting and which would have been led by Mrs. Chávez, the First Lady of the Republic and Chairperson of the Committee on Social Rights and the Family of the Constituent National Assembly, had been unable to come to Geneva and that the written replies of the Venezuelan Government to the questions raised in the list of issues (CRC/C/Q/VEN/1) were not available. She hoped that any Committee questions which could not be answered by the delegation present would be forwarded to the national authorities and that written replies would be sent to the Committee forthwith.

3. Mr. ROGRIGUEZ CEDEÑO (Venezuela) said that he would do his best to provide the Committee with information. He introduced his statement by saying that Venezuela was in the process of carrying out far-reaching political reforms involving all sectors of the country and designed to enable the Government to meet the challenges of the new millennium. The Government of President Hugo Chávez wished to establish a legal framework in tune with the realities of the contemporary world. The Constituent National Assembly was due to adopt a new constitution by the end of the year. In the sphere of foreign policy, the Venezuelan authorities had always striven to promote human rights. At domestic level, the Government intended to fashion a humane economic system focused on the individual. Government agencies and representatives of civil society had taken part in debates aimed at determining the best means of fostering human rights. One of those debates had reached some very important conclusions concerning the rights of the child.

4. The principle had been established that children and adolescents were legal persons with their own ideas and experiences, who were able to make proposals and suggest methods of organization, an approach which was fully in line with article 12 of the Convention and reflected in article 81 of the Organic Law for the Protection of Children and Adolescents. The new constitution would also recognize children as legal persons able to act and submit proposals in a State governed by the rule of law, where the full development of their potential would be secured. There were plans to introduce a social support network at regional, municipal and local level to underpin the management of the Bolivar 2000 project, an initiative of the Office of the President of the Republic, the purpose of which was to restore to the socially excluded the enjoyment of their rights.

5. The CHAIRPERSON invited the Venezuelan delegation to reply to questions 1 to 8 from the list of issues on general measures of implementation.

6. Mr. ROGRIGUEZ CEDEÑO (Venezuela) said in response to the first question that the Organic Law for the Protection of Children and Adolescents would come into force in the year 2000. Its contents would be disseminated by the media and the educational system and all the requisite administrative changes would be made. That Organic Law had been accompanied by measures in various fields to reduce the incidence of teenage pregnancy, incorporate the principle of sexual equality in policies and activities, extend preventive measures to combat incest, sexual violence against and the sexual exploitation of children and young people, encourage the introduction of programmes and services in the spheres of sex education and reproductive health, and use modern information technologies to promote the rights of the child and further their personal development as future citizens.

7. With regard to the coordination of decentralized services for children (question 2), the central directorates and state committees of the Ministry of the Family were running programmes at state level for the safety and protection of children and young persons, in collaboration with regional governments and representatives of the ministries concerned. All the necessary mechanisms were in place to effect the devolution provided for in the Organic Law. The reorganization and decentralization plan of the Ministry of Education had allocated new responsibilities to the states and municipalities. The national system for the protection and full development of children and young people was particularly concerned with children at risk or those who were social outcasts. A plan had likewise been drawn up for the indigenous communities and a social action plan worked out for border towns. The authorities were carrying out a joint research project with the United Nations Children's Fund (UNICEF) on the language situation of the Piaroa, Goajibo, Yukpa and Wayúu ethnic groups. In August, the Social Cabinet's first meeting on "The municipality and social management", at which all states with indigenous populations had been represented, had sought to tailor programmes in the social component of Agenda Venezuela to the specific requirements of each ethnic group. Measures to encourage sport had also been adopted.

8. As far as statistics were concerned (question 3), the Government was sparing no effort to improve data collection and processing, despite the attendant difficulties. Bodies such as the National Children's Institute (INAM) had conducted surveys, such as the national survey on child labour, as a means of overcoming the dearth of information in that area.

9. A variety of plans and entities existed for the implementation of the Convention (question 4). Ombudsmen's services (Defensorias Sociales) had been set up. Networks defending the rights of children and young people had been strengthened. A social development plan was making it possible for civil society to monitor and evaluate social programmes for families. Family education and reproductive health programmes had been widened and more resources were being devoted to ensuring that children and young people were better informed about teenage pregnancy, sexual abuse and sexual exploitation.

10. In reply to question 5 about the implementation of Agenda Venezuela, he explained that, as from 1996, the Venezuelan authorities had been taking steps to offset the adverse social effects of the macroeconomic adjustment programme, which had been necessary to secure the economic recovery and stability of the country. That is what had prompted the formulation of the social component of Agenda Venezuela, which comprised a comprehensive, coherent set of policies designed to remedy shortcomings in the social sector. In that context, the Ministry of the Family was playing a key role as the body heading the Social Cabinet, a unit which had been made responsible for coordinating activities and programmes. The aims which had been set for 1997 had been: to strengthen the family as the basic unit of society; to train human resources as a fundamental duty of the State, and to alleviate poverty and consolidate civil society. The social component of Agenda Venezuela consisted of 14 programmes, which provided for direct financial or food aid, as well as vocational training and job creation schemes. Some noteworthy examples were: family allowance programmes; school meals; the distribution of school uniforms; school breakfast, snacks and canteens; day-care homes; youth training and employment, and student subsidies.

11. In respect of question 6 about the implementation of the Intersectoral Plan of Action for Comprehensive Child and Youth Care in the context of the macroeconomic structural adjustment programme, it had to be noted that emphasis was being placed on closer coordination between government bodies and local authorities with a view to maximizing the effectiveness of schemes to ease poverty. Special efforts had been made to improve the living conditions of the population through measures concerning breastfeeding and the prevention of teenage pregnancy, in keeping with international undertakings. Non-governmental agencies were associated with the execution of the measures, for example for the implementation of the National Plan for the Prevention of Teenage Pregnancy covering the period 1995-1998, which provided for seminars, workshops and the operation of a network at national, state and municipal level. Strategies had also been mapped out to curb sexual violence against and the sexual exploitation of children. Specific measures including psychological support, preparation for motherhood, family education, etc. were targeted on teenage mothers. Other programmes concerned inter alia school education, the vocational training of young people and the monitoring of teenage parents' children.

12. Through the National Children's Institute (INAM), the Ministry of the Family was carrying out programmes with three principal aims: prevention, the care of minors who had been abandoned or who were at risk and the care of children in need of treatment. Among the establishments offering preventive child care, special mention should be made of kindergartens, vocational homes (for abandoned minors or minors at risk) and immediate care centres. Less traditional residential care programmes also existed, one example being the child-worker's hostel, which took in juvenile delinquents under non-custodial supervision. Moreover, the creation by INAM of a local social protection network for children and young people at risk was a welcome move. In addition, there was a body which received complaints about maltreated children, whose purpose was to offer a public service for the filing of complaints, psychological support, training courses for fathers and lectures. The Ministry of the Family was likewise developing unconventional methods of social integration, for example through the "Sport for All" Programme and the

opening of a music college under the auspices of the National Youth Symphony Orchestra of Venezuela to consolidate the system of the country's youth orchestras, which set out to further the integration and personal development of children through the universal language of music.

13. Replying to question 7 about measures to raise the awareness of the Convention among officials and members of the professions concerned, he reported that progress had been achieved in the coordination of action against drug trafficking. The Ministry of Foreign Affairs had instructed the National Children's Institute to coordinate and implement the National Plan against Trafficking in Children. Under the new law, legal rights counsellors were to be appointed to facilitate dialogue between civil society and the Government with a view to drawing up legal measures at national, state and municipal level.

14. With regard to question 8 concerning the role of non-governmental organizations, it should be said that the authorities encouraged civil society in general to show an interest in activities to defend the rights of the child. The main stumbling block was that it was difficult to persuade members of civil society actually to take part in those activities. Generally speaking, people became involved through NGOs, which represented organized sectors and maintained direct contacts with communities.

15. The CHAIRPERSON invited the Committee members to ask follow-up questions about the replies to questions 1 to 8 of the list of issues.

16. Mrs. KARP welcomed the fact that the provisions of the new Venezuelan Constitution embodied the principle of the rights of the child. What steps were being taken by the Government to amend other existing legislation which was incompatible with the provisions of the Convention and to bring about a shift in attitudes? It would be particularly interesting to hear how the rights of the child were reflected in current macroeconomic reforms. She requested more detailed information about the data collection system, the implementation of diverse policies and the setting of priorities when allocating budgetary appropriations to various programmes. Did Venezuela intend to withdraw its interpretative statement regarding article 21 of the Convention?

17. Mrs. EL GUINDI wished to know more about the coordination of all the bodies and organizations which looked after children's interests (ministries, NGOs and institutes). What share of total budgetary resources was earmarked for programmes to assist children?

18. Mrs. TIGERSTEDT-TÄHTELÄ requested fuller information about the social services which had been set up at national, regional and local level, the relevant bodies and their terms of reference.

19. Mrs. OUEDRAOGO asked what role "mayors" played in the dissemination of the Convention.

20. Mr. RABAH requested clarification about the main changes made to the Constitution in the social and family spheres. He was further interested in

the methods used in Venezuela to publicize the new Constitution, particularly in families, schools and non-urban areas. Lastly, it would be useful to know if the implementation of the Constitution was being adequately monitored.

21. The CHAIRPERSON asked whether the Venezuelan Government had assessed the impact of the economic reform and its repercussions on children.

22. The meeting was suspended at 11.05 a.m. and resumed at 11.15 a.m.

23. Mr. ROGRIGUEZ CEDEÑO (Venezuela) said that his Government had taken note of the many questions raised and assured the Committee that it would receive answers in due course to the queries to which the delegation had been unable to reply immediately.

24. He explained that all sectors of society were associated with the constitutional process under way in Venezuela, which was paying due heed to the specific norms applicable to children. Furthermore, Venezuela was playing an active part in a campaign to provide information about and disseminate international standards related to human rights and especially children. National machinery did exist to coordinate the operations of the Ministry of the Family, the National Children's Institute and NGOs. Other measures were concerned more with the reorganization of the State as a whole. Some coordination and dissemination measures specifically related to the application of the Convention could not, however, be implemented until the Constituent Assembly had completed its deliberations.

25. He made it clear that Venezuela's interpretative statement regarding article 21 of the Convention purported to delimit and clarify the meaning and scope of the provisions of that article and not to modify the legal effect thereof.

26. Mrs. RUESTA (Venezuela) said that, in the opinion of the Venezuelan Government, the provisions of article 21 (b) referred to international adoption and had nothing to do with placement in foster families abroad. They should not be interpreted as circumventing the State's duty to guarantee that a child received rightful protection. As for article 21 (d), the Venezuelan Government held that no parties to an adoption should ever derive financial benefit from it. The interpretative statement therefore solely reflected the Venezuelan Government's concern for children's well-being. Article 21 would cease to be a problem if Venezuela could be given a satisfactory explanation of the distinction between "improper" and "proper" financial gain.

27. The CHAIRPERSON recognized that the interpretative statement was not incompatible with the provisions of article 21 of the Convention, but that it strengthened them.

28. Mrs. KARP said that in order to safeguard the universal nature of the Convention, it would be preferable if Venezuela did not give the impression that it was departing from the provisions thereof, even if its concern was to defend children against a misinterpretation of the Convention.

29. Mr. DOEK said that the Venezuelan Government should re-examine the interpretative statement in the light of the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (the Hague Convention), which Venezuela had ratified.

30. Mrs. SARDENBERG pointed out that Venezuela had actively participated in the drafting of the Hague Convention, which dealt with the topic of adoption in detailed, cautious terms. The text, drafted word by word, was bound to give rise to different interpretations in different languages. Nevertheless, she drew the Venezuelan delegation's attention to the fact that an interpretative statement had a considerable political impact on the way in which the country's position on the Convention was perceived. It would therefore be desirable for Venezuela to make a political gesture for the sake of universal ratification of the Convention and to reconsider its stance, so as not to leave the matter on such a negative note, which could also affect other articles of the Convention.

31. Mr. ROGRIGUEZ CEDEÑO (Venezuela) thanked the Committee for the exchange of views and again stressed that an interpretative statement was in no sense a reservation, which purported to exclude or modify the legal effect of certain provisions of a treaty. The Venezuelan Government was not rejecting its obligations, but was rather applying them in a well-reasoned manner.

32. The CHAIRPERSON invited the members of the delegation to reply to questions 9 to 13.

33. Mr. ROGRIGUEZ CEDEÑO (Venezuela) said that the Organic Law for the Protection of Children and Adolescents contained a definition of the child in keeping with Convention. Special provisions on the minimum age of marriage laid down that girls under 14 and boys under 16 could not wed without parental consent. As far as health and sexuality were concerned, the new Law upheld the right to reproductive health by encouraging responsible, healthy, voluntary, and risk-free sexual behaviour, motherhood and fatherhood. It did not lay down a minimum age of consent for sexual relations, but merely provided for voluntary access to services for youngsters over 14, while at the same time guaranteeing the right to privacy, free consent and confidentiality.

34. He announced that his country had adopted the following measures in line with certain general principles of the Convention: finalization of the "Hijos de Bolivar" programme to assist street children; extension of the day nursery programme and of its educational component; running of a non-conventional reception centre for 30 children under the age of 14 with special needs; licensing of 195 foster families for children and young people at risk; training for 355 teachers and 3,838 young persons and adults from large towns to fight drug abuse, better integration in normal school classes of pupils with special educational needs; development and implementation of strategic programmes to prevent teenage pregnancy, sexually transmissible diseases, HIV/AIDS, sexual violence against and abuse of children, pre-adolescents and adolescents; implementation and expansion of strategic community education programmes in the areas of reproductive health and family planning; supply of comprehensive, high-quality services by the public authorities and private sector to assist pre-adolescents and adolescents, especially those at risk.

35. The CHAIRPERSON invited Committee members who wished to do so to ask the Venezuelan delegation supplementary questions.

36. Mr. DOEK said that the President of the Republic had put forward some suggestions concerning children in his declaration on the democratic revolution. According to the report, at the time of its publication, the Government was on the point of launching the second phase of its programme (the first stage, comprising 14 parts, had not been completed at that point). In that connection, he wondered if the Venezuelan President's policy to assist children in difficulty had been subsumed in that programme, or whether it took the form of separate activities. When the Government had worked out budgetary appropriations relating to the decentralization process, had it planned to allocate municipalities, states and local networks funds to finance their activities? While he welcomed the coherent approach to the principle of the best interests of the child, he drew attention to the principle set forth in article 6 of the Convention, namely the right to life, and referred to disturbing reports concerning the Venezuelan police, whose brutal treatment of children allegedly sometimes led to their deaths. Did any measures exist to help the victims of such violence and to avert that type of behaviour?

37. Mrs. KARP asked if the effects of decentralization on services had been evaluated, especially in respect of the transfer of duties and responsibilities. Coming back to the definition of the child, she requested clarification about the disparity in the minimum age of consent to marriage, which constituted a form of discrimination. Affirming that the tradition of early marriage was dangerous, because it arrested girls' development, she said that not only the law, but also attitudes needed to change and asked what steps had been taken to that end, bearing in mind the best interests of the child (in that case girls). In a similar vein, she mentioned the apparently widespread policy of placing children with very different personal problems (sexual abuse, abandonment, delinquency, etc.) in the same institution and giving them the same type of treatment. Was that policy in the best interests of the children or were the reasons for it institutional, administrative or financial?

38. As for respect for the child's views, she asked what procedures were available to process complaints lodged by children at school, in placement institutions or in the courts. She had the impression that children could not file complaints without the consent of their parents or guardians. How, then, could they lodge a complaint against their parents? More generally speaking, what procedures were available and was there any possibility of reform?

39. Mrs. OUEDRAOGO wished to know what measures were contemplated to ensure compliance with the laws on age limits for employment, education, consent to sexual relations or the purchase of alcoholic beverages. The reply given on sexual relations had stated that there was no minimum age, but in paragraph 47 of the report, the age mentioned was 12. That limit was much too low and ought to be raised for the sake of protecting children. Returning to the question of respect for the child's opinion, she asked how it was guaranteed in families.

40. Mrs. SARDENBERG asked what steps the Government was taking to prepare for the entry into force of the new Organic Law in April 2000. Did the

Government intend to cease using the term "minor" in all administrative documents and procedures, since it was regarded as derogatory not only in Venezuela but throughout Latin America?

41. As far as general planning was concerned, the Government had made an effort with the Eighth and Ninth Plans, yet it seemed that the implementation of the national plan drawn up in response to the 1990 summit had ground to a halt. In view of that, what progress had the Government made in reviving the action plan? Had the measures adopted to that end formed part of more general development plans?

42. With regard to the dissemination of the report, she asked what steps were taken to publicize the Committee's discussions and conclusions, in accordance with article 42. She then mentioned the situation of the indigenous population, more particularly that of their children. While she was aware that a process of constitutional reform was under way, she knew that a tradition of discrimination against them existed. She therefore wished to know what measures had been adopted, for example in the field of education, to extend bilingual classes and raise an awareness of health questions.

43. Mr. RABAH, referring to the high rate of immigration in Venezuela, asked if immigrant children were discriminated against in their daily lives and in what way.

44. The CHAIRPERSON pointed out that, at the time the report had been submitted, a Bill had been tabled on the protection of children and adolescents and there had been talk of lowering the age of criminal responsibility to 12. Had the Bill been passed and what age had finally been chosen?

45. Mrs. KARP noted that the report contained no information about disabled children. What schemes were being carried out to integrate them in Venezuelan society? With regard to discrimination against the indigenous population, she wished to know whether the findings of the Committee on the Elimination of Racial Discrimination of 1996 had been acted on and how.

46. Returning to the age of criminal responsibility, she emphasized that there was a contradiction between that age (18) and the possibility of placing youngsters under 18 on remand. No minimum age appeared to have been set for the detention of minors, although it seemed to have been agreed in practice that children of under 12 should not be held in custody. Drawing attention to the lack of clear rules on the subject, she asked whether the law ought not to be amended and whether the new law would contain provisions in that respect.

47. Mrs. EL GUINDI asked for more information about the civil rights of refugee children and the children of single parents.

48. Mrs. TIGERSTEDT-TÄHTELÄ inquired whether the indigenous population were involved in the planning of their own educational and health system.

49. The meeting was suspended at 12.10 p.m. and resumed at 12.20 p.m.

50. The CHAIRPERSON invited the Venezuelan delegation to reply to the supplementary questions put by the Committee members.

51. Mr. ROGRIGUEZ CEDEÑO (Venezuela) explained that the decentralization process was complicated, but that the transfer of some powers to regional and local authorities had taken place smoothly. The process was, however, too recent for him to be able to say for certain whether any assessment was planned or even whether one would be feasible in the near future.

52. Precise rules existed with regard to age limits, for instance for the consumption and purchase of alcoholic beverages, and the police carried out checks.

53. There might be isolated instances of children being maltreated, but of course they were not part of a systematic policy. Nevertheless, the Government, in conjunction with some international bodies, had introduced some awareness-raising programmes. The Venezuelan army was one of the few in the world to have a human rights service, as did the police, so cases of brutality were naturally extremely isolated and steps were being taken to stop them altogether.

54. Venezuela had very little experience with refugee children. Internally displaced children from neighbouring countries had sometimes crossed the country's border. They had then been treated in accordance with the 1951 Geneva Convention and 1967 Protocol.

55. The 14 programmes were still being carried out. New programmes were being studied, in particular measures to avert the harmful effects of the structural reforms.

56. The age at which a young person could be charged with a criminal offence was 18, but those between the ages of 12 and 18 could be held responsible for a crime. The minimum age of detention was 18.

57. Mrs. KARP explained that "remand" meant detention at a police station or in a detention centre before or during the trial. According to some sources, 2,000 children were being held on remand in Venezuela.

58. Mr. ROGRIGUEZ CEDEÑO (Venezuela) said that specific legislation existed on the imprisonment of minors. With regard to children's complaints against their own parents, there were provisions that enabled victims of violence to bring the matter to the attention of the competent courts. A more detailed answer to those questions would be supplied at a later date.

59. In reply to the questions on civil rights and freedoms, family environment and alternative care raised in paragraphs 14 to 20 of document CRC/C/Q/VEN/1, he said that the Ministry of Health had updated its administrative record-keeping procedures so that any birth could be registered immediately in the actual hospital. With regard to the participation of young people in the drafting of measures concerning them, practical steps were being taken to enable them to contribute to the drafting, implementation, monitoring and assessment of the National Plan for the Prevention of Teenage Pregnancy. The National Children's Institute was responsible for taking and applying

decisions concerning maintenance and adoption. He thought that efforts to conduct research into the ill-treatment of children had been inadequate. A research programme in which the national universities would participate was being drawn up. It would cover, among other matters, incest, violence against and the maltreatment and sexual exploitation of children and young people.

60. Mr. DOEK asked whether steps had been taken to ensure that the births of children in rural areas and indigenous children were registered. What was the position with regard to the registration of the numerous clandestine immigrants living in Venezuela? When it came to the implementation of civil and political rights, were children entitled to join students' associations or other groups of that kind?

61. Did any programme exist to alert parents and children to problems of maltreatment and negligence, which were symptomatic of the domestic violence that affected not only children but also women. Were there any services to which victims of violence in the home could turn? Were there any plans to provide special training for social workers or members of the police force who had to deal with cases of incest? Could the victims receive rehabilitation treatment?

62. Lastly, he wished to know whether the numerous measures to boost the efficiency of the child protection system described in the report of the State Party had produced any definite results.

63. Mrs. KARP asked whether any measures had been clearly defined and adopted to follow up the recommendation made by the Committee Against Torture in May 1999 (CAT/C/SR.377) to curb police brutality and bring offenders before the courts.

64. Turning to the issue of domestic violence against women and children, she asked what had been done to ensure that recent legislation did not remain a dead letter, since, for example, the obligation to report cases of domestic violence was not being complied with in full. It was good to have laws, but children had to be specifically taught how to express themselves and give evidence about alleged cruelty in order to demand justice. Specialist treatment ought also to be dispensed by trained staff to victims.

65. What steps were being taken to calm the current uproar in Venezuela, where people were complaining about children whose parents possessed no documentation being registered at birth, even though such a procedure was in conformity with the Constitution. That issue was especially crucial because the illegal status of parents was one of the reasons why 400,000 children were not registered in Venezuela.

66. What was being done to ensure that children in rural areas and indigenous children could have access to information in accordance with article 17 of the Convention?

67. Was it true that a child in lawful employment had the right to join a trade union, but could not be an active member of it or form an association?

68. Given that Venezuela was a country with many migrant workers, she was surprised that it had not concluded any agreements with other countries on the recovery of maintenance. She deplored the fact that maintenance was interpreted very restrictively and did not include education.

69. With regard to adoption, she was concerned about the existence of a parallel system operating outside the official channel of the Adoption Institute, whereby a child was handed over to the adoptive parent directly under a private agreement between the latter and the mother or parents of the child. That meant that there was no guarantee that the best interests of the child would be protected or that his or her wishes would be taken into account. Was such a procedure compatible with Venezuela's declarations on adoption?

70. Mrs. OUEDRAOGO asked how a balance was struck between the exercise by children of their right to privacy and the exercise of parental authority. Did the withdrawal of that right for a time also affect children and had it been restored throughout the country?

71. What practical steps had been taken by the Government to make sure that, as the report stated, the interests of the child were paramount, that he or she was brought up in an atmosphere "conducive to tolerance and life in a democratic society" and that parental authority was exercised jointly.

72. To what extent had it been possible to apply the programmes of assistance to low-income families referred to in paragraphs 112 and 113 of the report, in the light of Venezuela's recent economic crisis? The recession had in fact exacerbated poverty and that, in turn, had had repercussions on the well-being of children who, because there was no day-nursery allowance, had been left to fend for themselves, when their mothers had been forced to go out to work because the family could no longer make ends meet. What measures had the Venezuelan Government adopted to apply article 18 of the Convention?

73. Was there any provision for cases where the economic situation (as a result of unemployment or extreme poverty) of those liable for maintenance was so bad that they were unable to meet their obligations, or where they lived abroad?

74. Mr. RABAH requested fuller information about fostering, an alternative form of protection to adoption.

75. Mrs. TIGERSTEDT-TÄHTELÄ asked what the aims of the review of juvenile criminal procedure would be and if it would take the interests and rights of children into due consideration.

76. Mrs. SARDENBERG invited the Venezuelan Government to mount a public information campaign with a view to preparing everyone who had dealings with children for the entry into force, in six months' time, of the Organic Law for the Protection of Children and Adolescents, which was a revolutionary piece of legislation and of capital importance for Venezuela. She again drew attention to the question of the use of the term "minor", which had a negative connotation in Latin America, where it had been especially associated with military dictatorships. She hoped to obtain a detailed assessment of the

situation of the indigenous population, with regard especially to the education of indigenous children and the way they learnt about their traditions and culture.

77. In the light of the recent economic recession, which had affected a substantial proportion of children in Venezuela, she asked how government programmes tackled the fact that some children had access to neither education nor health care.

78. She recalled that the Committee regarded the question of registration as crucial, because if children were not registered, they could not lay claim to any rights at all. She welcomed the importance attached by the Venezuelan Government to that issue, as reflected in the supplementary report.

79. She requested fuller information about the parallel adoption system mentioned earlier by the other experts, for the Committee had been informed about some serious cases, where there had been no monitoring and no compliance with the law or the international conventions to which Venezuela was a party.

The meeting rose at 1.05 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 561st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

CONTENTS

CONSIDERATION OF REPORTS BY STATES PARTIES (continued)

Initial report of Venezuela (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44270 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 4) (continued)

Initial report of Venezuela (continued) [CRC/C/3/Add.54; CRC/C/3/Add.59; HR1/CORE/1/Add.3; CRC/C/Q/VEN/1 (list of issues); Written replies of the Government of Venezuela to questions raised in the list of issues (document with no symbol distributed in the meeting room in Spanish only)]

1. At the invitation of the Chairperson, the members of the delegation of Venezuela resumed their places at the Committee table.

2. The CHAIRPERSON invited the acting head of delegation, Mr. Michelena, to answer the Committee's questions 21 to 26 (CRC/C/Q/VEN/1).

3. Mr. MICHELENA (Venezuela) apologized for the absence of Ambassador Rodriguez Cedeño, who had been delayed. Replying to the Committee's questions, he said that the Project for Sustainable Development of the South (Proyecto de Desarollo Sustentable del Sur), in a report published in 1994 evaluating the situation in the border regions, had found that basic services such as housing, health, education and communications had been very poor there on account of the lack of financial and technological resources. Problems also arose in relation to land tenure. Although border areas accounted for more than half of the national territory, inherent problems such as prostitution, smuggling, drug trafficking, guerrilla activity originating in Colombia and illegal mining reflected institutional weakness and the State's inability to exercise proper control. In view of the current trend towards globalization, there was a need to establish a long-term State strategy under the coordination of the National Border Council with the support of the armed forces.

4. Very little information was available regarding the health of adolescents and the delegation would have to base its remarks chiefly on the data concerning teenage pregnancy. Although the fertility rate had been constantly decreasing over the last decades, adolescent fertility still accounted for a considerable proportion of the total. The high levels of teenage pregnancy only served to exacerbate poverty. Most of the young women in the "unsatisfied basic needs" category who had had sexual experience had given birth. What was more, over 80 per cent of teenage mothers who had already borne one child expressed the intention of having more children. For every 1,000 cases of sexually transmitted diseases, 134 occurred among 12-18 year olds. Child birth complications were the third most frequent cause of adolescent deaths and the child mortality rate was a third higher in the cases of children born to mothers under 20 years of age.

5. As far as education was concerned, about 50 per cent of more affluent young people up to 24 years of age attended an educational institution on a regular basis. However, the percentage fell to 35 per cent in the "unsatisfied basic needs" category. A significant proportion of teenage mothers did not complete basic education and out of every 10 who had had a child, only one remained in the educational system. The break-up of families and the increasing number of single-parent families were increasingly serious

problems in Venezuela. Women were often the heads of single-parent households, yet they earned far less than their male counterparts.

6. Replying to questions 24 to 26, he underscored the fundamental role of the family in children's education. Great care was being taken by the Government to expand classroom libraries in both rural and urban schools. At all levels of official education, priority was being shifted to the rural, border and indigenous sectors. The Government had also established a strategy for strengthening higher education to achieve greater efficiency, quality, productivity and self-management. A larger number of students with special educational needs had been integrated into the mainstream educational programme. To meet the demands of the oil sector in particular, the National Institute for Education Cooperation (INCE) had launched a programme to train human resources in line with the industry's requirements in cooperation with the International Centre for Education and Development. Government measures included efforts to make use of modern technologies to promote children's rights, including sexual and reproductive rights.

7. The CHAIRPERSON invited the Committee members to pose additional questions on the areas just covered as well as on civil rights and freedoms and family environment and alternative care.

8. Mr. DOEK thanked the delegation for the detailed information provided on health, especially with regard to teenage pregnancy. However, considering the gloomy picture that had been painted, what did the Government intend to do to improve the situation? How did the Government plan to improve access to health services for rural and indigenous populations? There also seemed to be difficulty maintaining the schedule of immunization programmes.

9. Turning to the question of the provision of health care for the children of contributing workers, he expressed concern for the fate of the remaining 60 per cent of children, especially in view of the dismantling of the Venezuelan Social Security Institute (IVSS) and the privatization of the sector. He further questioned the imbalance in the budgetary allocation for education, half of which was earmarked for the universities. Considering that only a third of students continued their education after elementary level, it appeared that the majority did not benefit proportionately from the education budget. What remedy did the Government propose in that respect? Also, in view of the large number of teacher training institutions that had been closed, he wondered whether the Government had any plans to improve the quality of teaching, since it was important to have qualified teachers at the elementary level.

10. Mrs. SARDENBERG pointed out that the issues being discussed in the Committee could be taken into account within the context of the country's constitutional reforms, especially of the social chapter. Supporting Mr. Doek on the budgetary issue, she noted that the Committee would prefer States to identify child-welfare issues in their budgets. The Government should pay urgent attention to the cases of undocumented children who were unable to complete their schooling.

11. Mrs. EL GUINDI, later supported by Mrs. Ouedraogo, inquired about the status of the breast milk promotion programme. Furthermore, what measures

were being taken to improve the legal remedies open to women who were victims of domestic violence, and what was being done to change general attitudes towards that problem?

12. Mrs. OUEDRAOGO, recalling that 11 of the country's 160 maternity hospitals were reportedly "baby-friendly", asked whether the Government intended to improve that number in view of the high incidence of teenage pregnancies. Referring to the transformation of the Food Allowance Programme into the Family Subsidy Programme, she wondered what progress had been made and what measures had been taken to ensure that children really benefited from the programme. Alluding to paragraph 172 of the country's report (CRC/C/3/Add.54) and the downward trend in primary education coverage, she wondered what plans had been put in place to improve efficiency and to find an appropriate solution to the problem. What was the status of the new plan of action in education policy and how did it fit into the context of the National Educational Commitment presented by the National Council on Education? Lastly, were children allowed to participate in decisions relating to their education, at the administrative and classroom levels?

13. Mrs. KARP said that she was aware that the Ministry of Education had adopted a programme to incorporate human rights into school curricula, and asked how it had advanced. Had any evaluation been done, or any specific material been distributed? Had teaching staff been trained in the teaching of human rights, which could not be done using traditional methods? There had been a programme to bring the education system into line with United Nations standards. What was the status of that programme, and had it been subject to any evaluation? She would also like to know whether corporal punishment was prohibited in schools and in the juvenile justice system, and if so, what practical measures had been taken against it. Was there any move in Venezuela to combat corporal punishment in the family? Had the authorities taken steps to encourage alternative measures, for example through parents' schools and hotlines or other campaigns?

14. Mrs. OUEDRAOGO asked, in the light of the high number of teen pregnancies, whether adolescent mothers were afforded the opportunity to continue their education. She inquired as to what sort of treatment was reserved in the education system for children with learning disabilities, and if any measures had been taken to reduce the disparity between education standards in rural and urban areas. The press had reported that the Government had closed 134 schools in 1996 and the first half of 1997 for security reasons or because of poor performance. Had those schools since reopened? If not, what solution had been found for pupils who had attended those establishments?

15. Mrs. TIGERSTEDT-TÄHTELÄ noted that the country was facing an economic recession, while the standard of living had fallen and the education and health systems had deteriorated in the last 10 years. She asked to what extent the Government would, in such conditions, be able to implement Agenda Venezuela, which put forward some very ambitious programmes in the social sphere. What were the prospects for the economy? Did the Government work with multilateral or bilateral aid programmes to improve the country's economic outlook?

16. Mr. MICHELENA (Venezuela) said the Government considered the question of teenage pregnancy to be of prime importance. To deal with that problem the Ministry of Health and Social Welfare had been working, through the Commission for the Prevention of Early Pregnancy on a national five-year programme scheduled to begin in 1999. The aims were to strengthen the 24 regional commissions working to forestall teenage pregnancy and to ensure that a national legal framework for that question would be established during the administrative reform of the executive branch.

17. Three health-care services coexisted in Venezuela: a private system, a public one which was free of charge, and a third which was provided by the social security system with funding from workers and employers. The Government was restructuring the social security system and the health services, and a proposal to create a single health system was under consideration. In theory, children and families not covered by the social security system were able to receive care through the Ministry of Health and Social Welfare's public hospitals, which were free, for both outpatient and in-patient care. Those facilities had, however, been severely affected by budget cutbacks.

18. A special effort was being made to support primary education, for example through the construction of new schools as part of the plan for the year 2000. In 1999, approximately 500 primary schools had opened. The State was facilitating access to university courses for primary, secondary and university teaching staff. The Government had taken steps to ensure that no children would be excluded from the school system, for example by issuing a decree in 1998 allowing undocumented children access to public secondary establishments (colegios). As for food and assistance programmes for children provided through their families or their schools, the Government had, with the assistance of the Inter-American Development Bank, the International Monetary Fund and the World Bank, implemented programmes to attenuate the effects of structural adjustment on vulnerable groups, and on children in particular.

19. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that despite the budgetary constraints it faced, the Government had sold public property to finance the repair, renovation and refurbishment of schools, many of which had been left in a state of disrepair. Over and above the 500 schools opened in 1999, resources had been allocated for a large number of mobile facilities (ambulatorios). Breastfeeding was a recognized right ensured under Venezuelan labour law. Venezuela had taken part actively in the recent work of the International Labour Conference on the adoption of a revised Maternity Protection Convention, and was attempting to include some of its provisions in national laws and regulations. Apart from human rights instruction in Ministry of Defence officer training programmes, human rights, including the rights of the child, had also been incorporated in specific programmes for secondary schools. The Government would try to ensure that human rights, the protection of the person, international humanitarian law and refugee law would be covered in future programmes.

20. As was the case with most developing countries, Venezuela had suffered from the negative effects of globalization, structural adjustment and external debt. The Government was seeking to place the human person at the centre of development and of all aspects of economic life in the country. The economy

was very dependent on oil production, and the recent increase in oil prices from US$ 7 to nearly US$ 20 had brought welcome relief. As in any country undergoing political restructuring, foreign investment had naturally slackened, but there were signs that it was reviving and it was hoped that it would increase in the coming years.

21. A national council was responsible for implementing an anti-drugs programme at schools and other educational establishments and for explaining the hazards of drug use and drug trafficking, alongside other public and private campaigns. The dangers of drug use were regularly explained at schools.

22. The fact that human rights had been included in school curricula was in itself a step forward. The national teacher training school included courses in human rights, international humanitarian law and refugee law, albeit at a basic level. It would be difficult, a mere three years after the introduction of such subjects in the curricula, for any country to evaluate the resulting impact, and all the more so a developing country such as Venezuela. As far as he knew, no evaluation was planned.

23. Referring to the section of the list of issues (CRC/C/Q/VEN/1) on special protection measures and specifically to questions 27, 28 and 30, he said that Venezuela was a party to the 1967 Protocol relating to the Status of Refugees, and that the right to asylum was recognized as a human right. An inter-institutional technical committee had recently been established not only to consider the problem of refugees and displaced persons but also to set up a legal mechanism for the consideration of asylum requests. One of the main thrusts of its work would no doubt be the protection of vulnerable groups, including children, and especially unaccompanied minors. Venezuela had not received refugees in the strictly legal sense as established by the 1967 Protocol.

24. There was no conflict zone between Venezuela and Colombia, but rather a certain situation which affected the security of people living in the border regions of both countries. There were no counter-insurgency operations or military clashes on Venezuelan territory, although certain security problems had arisen.

25. The economic exploitation of children was a major scourge throughout the developing world, and Venezuela was no exception. The Ministries of Labour, Social Development and the Family were, along with other institutions, implementing a programme for the elimination of the most hazardous forms of child labour. Venezuela had concluded an agreement in that respect with the International Programme on the Elimination of Child Labour (IPEC), an International Labour Organization programme funded through voluntary contributions from the Governments of Spain, the United States and other sources. Children were concentrated in the informal sector in certain regions in Venezuela. IPEC and the Government had been in contact since 1998, and there was a possibility that the Government would receive funds in support of national programmes against child labour.

26. The CHAIRPERSON invited the members of the Committee to ask questions relating to special protection measures.

27. Mr. RABAH requested details concerning the eradication of child labour, in the framework of the 1996 memorandum of understanding signed by the International Labour Organization and the Venezuelan Government, and called for statistics on the practical implementation of ILO Convention 138 concerning the minimum age for admission to employment. He also requested disaggregated statistics on juvenile offenders, detention centres and the incidence of their detention alongside other offenders, and asked about what legal assistance was provided and the relationship between the centres and parents.

28. Ms. EL GUINDI noted that Venezuelan minors were often detained in identical conditions to adults, without regard to their status and rights. She also sought an explanation of the provision in the Penal Code whereby rapists went unpunished if they subsequently married their victim, which contradicted all basic human rights.

29. Mr. DOEK, referring to the survey on working children conducted by the National Children's Institute (INAM), asked whether the basic problem with implementation of the ILO/IPEC programme was financial, and whether it focused on children under 14 or other targets. The Committee needed more information on the status of Venezuela's plan and on steps being taken to ratify the new ILO Convention 182 on the Worst Forms of Child Labour.

30. While INAM data on the juvenile justice system included specific figures on child detainees, he wondered by what process the children arrived in detention centres. For instance, under the Minors' Protection Act (MPA), the courts could apparently take the decision to place children in such centres, even with other offenders of 18 and over. Was that a penalty stipulated by the MPA? He also requested data specific to detention centres, as opposed to treatment and other non-punitive centres. How did the system work? What was the courts' role under the MPA in dealing with juvenile offenders?

31. Ms. SARDENBERG stressed how important it was for Venezuela's adoption system to be brought into line with all the principles enshrined in the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, in the light of its ratification. One topic that bore further examination was the fact that the central authority responsible for child protection (INAM) was also responsible for adoption. Another was the fact that judges could hand children over directly, even for international adoption. She also recommended that human rights should be introduced not only in regular school and university curricula, but also in those of training schools for the security forces, so as to equip them to apply the new Organic Law shortly to be enacted. Greater international cooperation with United Nations agencies and national and international non-governmental organizations (NGOs) could help solve certain problems, such as those caused by the frequent crossing of Colombians into Venezuela for political reasons, given the lack of pertinent national legislation. Since paragraph 192 of Venezuela's supplementary report (CRC/C/3/Add.59), which dealt with sexual exploitation, acknowledged the lack of rigorous qualitative or quantitative research, she suggested that a study be conducted in order to clarify a situation in which many taboos persisted and family members were all too often involved.

32. Mrs. KARP, endorsing previous questions concerning the juvenile justice system, wondered what the statement that under-18s were not criminally responsible really signified. True they could not be formally punished, but how were they actually treated by the authorities? If detained, they were placed in centres, without due process of law, which was tantamount to imprisonment. Was different treatment envisaged under the new Code of Criminal Procedure so that children could enjoy the same rights as adults in the criminal justice system? Since the programme for children with special needs in INAM centres had suffered on account of declining budgetary and other assistance, what was being done to encourage suitable treatment for such children? Detention was currently subject to a three-month discretionary extension, without the child appearing before a judge; the Committee therefore needed much more information about the new legislation governing the juvenile justice system.

33. On the subject of child labour, while applauding the ratification of ILO Convention 138, she wished to know, given the dissolution of the department in the Ministry of Labour formerly responsible for inspection, which body currently conducted inspections, whether violators were brought to trial, and exactly how ILO Convention 138 was being implemented. In view of reports of the existence of child trafficking and sexual abuse in INAM, she would like information on monitoring procedures to be included in the written replies.

34. Mr. RODRÍGUEZ CEDEÑO (Venezuela), replying to Mr. Doek's question, said that while funds were available for implementing the IPEC programme, the process was being revised, which had brought some projects to a standstill. A national campaign was underway progressively to eradicate paid labour by children under 12, dangerous work, and employment that impeded school attendance. The programme had been set up in 1995 and launched in 1997; it involved the Central Coordination and Planning Office of the Office of the President of the Republic (CORDIPLAN), civil society, NGOs and some employers' associations, and covered health, education, labour, family and youth.

35. Replying to Ms. Sardenberg's question concerning refugees crossing the country's international borders, he said that Venezuela respected its international commitments. The executive committee, which he chaired, had recently initiated dialogue with the Governments involved. The idea was not to set up new nuclei of refugees, but to provide transit and temporary protection and promote voluntary repatriation in safe conditions.

36. In reply to question 32 on the list of issues, he said that policies and programmes had been devised to combat sexual exploitation and to stiffen penalties. Such programmes included sexual and reproductive health, covering sexually transmitted diseases (STDs), HIV-AIDS, sexual abuse and exploitation, psychological guidance for parents, and preparation for motherhood.

37. He thanked Committee members for their questions, since one of the treaty bodies' tasks was to encourage countries to bring their measures into line with their international commitments. He would transmit their comments to his Government and reply in writing by October. While reaffirming his Government's will to comply with the Convention, he explained that the country was experiencing a positive but difficult transition process.

38. Ms. SARDENBERG suggested that when reporting to the Committee on its institutional structures, the delegation should furnish information as to whether the Organic Law included the administration of juvenile justice, or whether Venezuela had other plans for addressing the problem of untenable conditions in detention centres. It transpired that children in conflict with the law were also often poor or abandoned, and it was vital that political and strategic support be forthcoming to protect those at risk. Venezuela was currently in a situation where many things were being called into question. The Convention on the Rights of the Child could be useful as an instrument that placed children in the forefront of the country's concerns.

39. The CHAIRPERSON said that since the Committee's mandate covered all children's rights, which were indivisible, she suggested that the delegation submit all its replies together in writing when it was in a position to do so.

40. Mr. RODRÍGUEZ CEDEÑO (Venezuela) concurred.

41. At the suggestion of the CHAIRPERSON, discussion of the preliminary observations and concluding remarks on the report of Venezuela was postponed.

42. The CHAIRPERSON thanked the delegation for its replies to Committee members, whose detailed questions attested to concern for Venezuelan children, and transmitted her best wishes to the First Lady, who had been unable to attend. She hoped that, with international support, the country would meet its goal of healthy development of the child.

The meeting rose at 5.15 p.m.